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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

SCHREIBER

Atty. Ref.: 35-213

Serial No. 09/913,159

Group: Known

Filed: August 10, 2001

Examiner: Known

For: VIRAL VACCINE

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February 6, 2002

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

**REQUEST FOR CLARIFICATION OF NOTIFICATION
OF MISSING REQUIREMENTS**

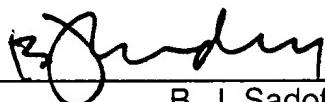
Clarification is requested with regard to the attached Notification of Missing Requirements mailed January 18, 2002. Specifically, the attached Notification indicates that a Sequence Listing or corrected Sequence Listing is due in order to complete the requirements for acceptance under 35 U.S.C. 371. The undersigned believes however that 35 U.S.C. 371 does not require submission of a Sequence Listing as defined by 37 C.F.R. 1.821-1.825, as reported in the attached Notification. Accordingly, as the Notification acknowledges receipt of the basic filing fees, the Declaration and a Request for immediate examination, nothing further should be required to fulfill the requirements of 35 U.S.C. 371. The application should receive a filing date as of the submission of the Declaration (i.e., October 2, 2001).

In the event the Office maintains their position that 35 U.S.C. 371 requires submission of a Sequence Listing according to 37 C.F.R. 1.821-1.825, the Office is requested to specifically indicate where in 35 U.S.C. 371 makes such a requirement. In the absence of the same, the Office is requested to issue a further appropriate Notice wherein a corrected Sequence Listing may be required, as well as a Filing Receipt indicating the filing date of the above as of the Patent Office receipt of all the actual requirements of 35 U.S.C. 371.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



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PATENT & TRADEMARK OFFICE

Commissioner for Patents, from PCT
United States Patent and Trademark Office
Washington, D.C. 20591
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/913,159	Schreiber do	35-213
		INTERNATIONAL APPLICATION NO.
		PCT/EP99/09759
		I.A. FILING DATE PRIORITY DATE
		12/03/1999 02/12/1999
CONFIRMATION NO. 3633		
371 FORMALITIES LETTER		
 *OC000000007313549*		

Date Mailed: 01/18/2002

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
 - The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
 - **APPLICANT MUST PROVIDE:**
 - An initial or substitute computer readable form (CRF) of the "Sequence Listing."

- An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 305-3736

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/913,159	PCT/EP99/09759	35-213